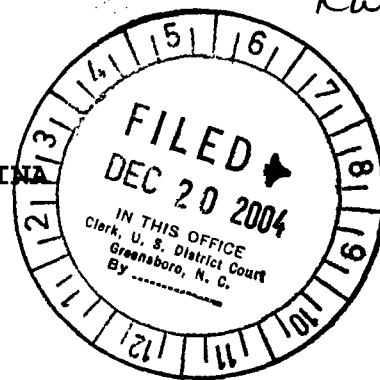


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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



SCOTTIE LEE GRAVES,

Plaintiff,

v.

CHARLENE WARREN, et al.,

Defendants.

1:04CV1076

J U D G M E N T

On November 15, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that this action is dismissed sua sponte without prejudice to plaintiff filing a new complaint, on the proper Section 1983 forms, which corrects the defects cited in the Recommendation.


United States District Judge

December 20 , 2004